

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)**

JEFFREY DECKER, et al.,	:	Case No.: 1:15-CV-88
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
CHUBB NATIONAL INSURANCE CO.,	:	DEFENDANTS' REPLY IN SUPPORT
et. al.,	:	OF ITS MOTION FOR AN EXTENSION
	:	OF TIME TO ANSWER, MOVE OR
Defendants.	:	OTHERWISE PLEAD

Defendants Chubb National Insurance Company (“Chubb National”) and Chubb & Son Inc., (“Chubb & Son”), (collectively, “Defendants”), submit this brief reply in support of their motion for an extension of time to answer, move or otherwise plead, filed on February 27, 2015. This Court has already granted Defendants’ motion and an extension has been provided until April 3, 2015. There is no basis to reconsider this Court’s prior order.

As Plaintiffs appropriately concede, extension motions are routinely granted in similar circumstances. Plaintiffs have offered no real or tangible prejudice from the granting of the motion, nor could they in these circumstances. This Court’s order places the new answer date at roughly the time that an answer would be due in any typical case where a waiver of service of summons procedure had been followed.

Plaintiffs also cannot and do not assert any bad faith by Defendants in the short course of this litigation. Plaintiffs’ response instead makes lengthy allegations and assertions about communications and discussions between the parties prior to the filing of the lawsuit, which are irrelevant to this simple motion and need not be addressed here. Plaintiffs will have their

opportunity to press the merits of their claims at the appropriate time—a motion for an extension of time to answer is not the vehicle to do so.

Defendants appreciate the courtesy provided by Plaintiffs' stipulation to an initial, 21-day extension. This Court's order granting an additional 28-day extension was proper and appropriate, particularly given that Defendants have committed to responding within that time period and will not seek another extension to answer.

For the foregoing reasons, this Court's March 4, 2015 order granting an extension until April 3, 2015, should not be reconsidered.

Respectfully submitted,

/s/ Gregory A. Harrison

Gregory A. Harrison (0029814)
DINSMORE & SHOHL LLP
255 East Fifth Street, Suite 1900
Cincinnati, OH 45202
Tel: (513) 977-8200
Fax: (513) 977-8141
Email: greg.harrison@dinsmore.com

OF COUNSEL:

Michael W. Hawkins (0012707)
DINSMORE & SHOHL LLP
255 E. Fifth Street, Suite 1900
Cincinnati, OH 45202
Tel: (513) 977-8200
Fax: (513) 977-8141
Email: mike.hawkins@dinsmore.com

Trial Attorney for Defendants
Chubb National Insurance Company
and Chubb & Son Inc.

CERTIFICATE OF SERVICE

This is to certify that on this 6th day of March, 2015, the foregoing was electronically filed via CM/ECF. Notice of this filing will be sent to the below-listed counsel by operation of the Court's electronic filing system, and the filing may be accessed through that system.

/s/ Gregory A. Harrison

Gregory A. Harrison

Gary F. Franke
William M. Bristol
GARY F. FRANKE CO., L.P.A.
120 East 4th Street, Suite 1040
Cincinnati, OH 45202

Attorneys for Plaintiffs

7491845v1